

Appeal Decision

Site visit made on 13 June 2017

by K E Down MA(Oxon) MSc MRTPI MRSB

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th June 2017

Appeal Ref: APP/A3655/D/17/3172981
38 Boltons Lane, Pyrford, Woking, GU22 8TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Gorton against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/1267, dated 10 November 2016, was refused by notice dated 9 January 2017.
 - The development proposed is the erection of a fence at the front boundary which is adjoining a public highway.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed fence on the character and appearance of Boltons Lane and the surrounding area.

Reasons

3. The appeal site comprises a semi-detached two storey dwelling set on a generous plot facing Boltons Lane. It lies opposite the junction with Peatmore Avenue, a cul-de-sac serving some 75 dwellings and a primary school. The front boundary is in part open to allow vehicular access to the forecourt and in part enclosed by the proposed fence, which has been erected. The fence, which is set against the back edge of the footway, comprises four close boarded wooden panels some 1.68m in height.
 4. Boltons Lane is a through route which at the time of the site visit, a weekday morning, was lightly trafficked. It is characterised by residential properties set back from the street on generous plots behind a mixture of open frontages, low boundary walls and fences, and hedges of various heights. Overall the street has a spacious and well vegetated appearance which contributes to its open character.
 5. The proposed fence is a prominent feature in the street scene owing to its location opposite a junction and its proximity to the highway boundary. It would result in an uncharacteristic hard edge against the highway boundary that
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would separate the appeal property from the street in a manner not seen elsewhere in Boltons Lane or Peatmore Avenue. The resulting enclosure and separation would detract from the openness, which would be harmful to the spacious, leafy character of Boltons Lane.

6. The appellant argues that the hedge which formed the original boundary with the street has been retained behind the fence but owing to its separation from the street it now makes no material contribution to the character of the street scene. Moreover, no space exists in front of the fence for the establishment of landscape planting. I saw during my site visit that some hedgerow growth has occurred between the fence boards. However, this was limited and unlikely to spread and thicken sufficiently to provide adequate screening of the fence.
7. The appellant points out that a similar fence of up to 1m in height could be erected under permitted development rights. However, this would not justify allowing the proposed fence since the additional height contributes significantly to the detrimental effect on the character and appearance of the street scene.
8. A number of other fences in the local area are drawn to my attention. Two of the three examples provided appear to be set at right angles to the street and so would have a materially different effect on the street scene. Moreover, I have no specific information as to the location of these fences. Overall I am therefore not satisfied by the evidence that they are comparable with the appeal proposal.
9. It is concluded on the main issue that the proposed fence would have a materially detrimental effect on the character and appearance of Boltons Lane and the surrounding area. In consequence it would conflict with the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy, 2012, and guidance contained in adopted supplementary planning documents entitled "Woking Design SPD" and "Outlook, Amenity, Privacy and Daylight" which, taken together, expect new development to create attractive places, to respect and make a positive contribution to the street scene and the character of the area, including through appropriate boundary treatments which are noted to include significant greenery in the vicinity of the appeal dwelling, and to incorporate landscaping to enhance the setting of the development. In particular regard should be paid to, amongst other things, scale, height and materials.
10. The appellant explains that the fence has been erected to prevent harm to the living conditions of occupiers of the appeal property resulting from car headlights from vehicles leaving Peatmore Avenue shining into the property. It is argued that at times the junction is busy, resulting in significant nuisance, and that the hedge alone had a limited effect in filtering the light. I have some sympathy with the appellant's situation. However, the harm would not justify allowing a development which would be materially detrimental to the character and appearance of the area, particularly since there is no evidence that the proposed fence represents the only solution to the problem of light pollution.
11. The Council includes an informative on its refusal notice stating that the fence, together with fencing on the northern boundary with 40 Boltons Lane, should be removed. The appellant questions the need for complete removal and for the inclusion in this requirement of the section of fence on the northern boundary.

These are matters beyond my jurisdiction and it would therefore fall to the Council to provide an explanation of the informative and to advise the appellant accordingly.

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR